United Nations A/59/211

General Assembly

Distr.: General
5 August 2004

Original: English

Fifty-ninth session
Item 116 of the provisional agenda*
Human resources management

Measures to prevent discrimination on the basis of nationality, race, gender, religion or language in the United Nations

Report of the Secretary-General

Summary

In resolution 57/305, the General Assembly requested the Secretary-General to report to it at its fifty-ninth session on measures to prevent discrimination on the basis of nationality, race, gender, religion or language in the United Nations, in accordance with the principles of the Charter of the United Nations and the provisions of the Staff Regulations and Rules of the United Nations. The present report was prepared in cooperation with the Office of Internal Oversight Services and the Joint Inspection Unit. The Assembly is invited to take note of the measures taken and the work in progress.

* A/59/150.

04-45200 (E) 270804

I. Introduction

1. In its resolution 55/258, the General Assembly requested the Secretary-General to conduct an inspection through the Office of Internal Oversight Services (OIOS) on the issue of possible discrimination due to nationality, race, sex, religion and language in recruitment, promotion and placement, and to report thereon to the Assembly at its fifty-sixth session. The OIOS report is contained in document A/56/956. The comments of the Joint Inspection Unit (JIU) on that report are contained in document A/56/956/Add.1.

2. The present report is presented in response to the request made by the General Assembly to the Secretary-General in its resolution 57/305 to develop measures, as necessary, in cooperation with the Office of Internal Oversight Services and the Joint Inspection Unit, to prevent discrimination on the basis of nationality, race, gender, religion or language in the United Nations, in accordance with the principles of the Charter and the provisions of the Staff Regulations and Rules of the United Nations, and to report to the General Assembly at its fifty-ninth session.

II. Framework

3. Article I, regulation 1.2 (a), of the Staff Regulations specifies that one of the basic duties of staff members is the obligation to uphold and respect the principles set out in the Charter, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently, staff members should exhibit respect for all cultures and should not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them. Staff rule 101.2 (d) prohibits any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse at the workplace or in connection with work. Those principles are an integral part of the basic rights and duties of United Nations staff members, as approved by the Assembly in its resolution 52/252. They are reinforced by the standards of conduct for the international civil service adopted by the International Civil Service Commission in 2001 and are contained, together with respective commentary, in Secretary-General's bulletin ST/SGB/2002/13.

III. Measures to prevent discrimination

4. Within the framework outlined in paragraph 3 above and drawing on the recommendations made on the subject by OIOS and JIU, the Secretary-General has initiated a number of measures that are either specifically designed to prevent or correct discrimination or to create an environment free of discrimination. The Secretary-General is committed to ensuring that discrimination is not tolerated in the Organization and that any allegations of discrimination will be promptly addressed. This is in line with the zero-tolerance policy recommended by JIU.

A. Incompatibility of discrimination with United Nations core values and competencies

5. As a part of the Secretary-General's overall human resources reform, organizational core values and core and managerial competencies have been defined in order to build organizational capacity and promote shared values and common standards throughout the Secretariat. Core values and core competencies are two different but related concepts. Organizational core values are the shared principles and beliefs that guide the actions and behaviours of the staff, while core competencies refer to a combination of skills, attributes and behaviours required of all staff regardless of level or function. Both core values and competencies were defined through a participatory process involving staff and managers at all levels, Secretariat-wide. They have been communicated to all staff and have been integrated into the human resources systems of the Organization, including recruitment and selection, staff development and performance appraisal.

6. Through the participatory process, integrity, professionalism and respect for diversity were reaffirmed as the Organization's core values. Behavioural indicators — descriptions of observable actions or behaviours that exemplify the values in practice — include, inter alia, not abusing power or authority, treating all people with dignity and respect, examining one's own biases and behaviours to avoid stereotypical responses and not discriminating against any individual or group.

7. Those core values are included as a mandatory element of all generic job profiles and vacancy announcements and are an integral part of the selection criteria for every post in the Organization. Competency-based interviews, which are mandatory for all recruitment and promotion, are designed to ensure that selected candidates demonstrate and uphold the Organization's values. The purpose of the interviews is to ensure that candidates are assessed fairly on the basis of the competencies required for the position, without personal preference or prejudice.

8. Staff development programmes have been aligned and new programmes developed to ensure that the values and competencies of the Organization are built and strengthened throughout the careers of its staff members. Orientation programmes for new staff members introduce the competencies and values and contain a module on how to work effectively in a multicultural environment. Managerial development programmes include modules on integrity, diversity and promoting an inclusive work environment. Those programmes include, 360-degree feedback mechanisms that provide managers with assessments on how they are perceived by their staff, managers and peers in relation to the core values and competencies, including integrity, accountability and respect for diversity.

9. In addition to mandatory supervisory and managerial development programmes, special programmes are offered on cross-cultural communication and working in a culturally diverse environment in order to increase awareness of various aspects of diversity and create an inclusive work environment that promotes understanding among staff from diverse backgrounds. The programmes cover such topics as diversity issues in the workplace, which examines the impact of personal diversity and seeks to provide staff members with the insight into how to develop increased personal awareness and the ability to work constructively with others from different backgrounds; and communicating within a culturally diverse environment,

which reflects how cultural styles may affect communication with a view to enhancing communication among staff and develop teamwork. In 2003, over 500 staff members from 12 departments and offices throughout the Secretariat participated in the diversity learning programmes. The programmes on conflict resolution, supervisory skills and General Service development also contain modules on cultural diversity.

10. To reflect the full range of skills, attributes and behaviours that are essential for all staff, the core values and core and managerial competencies are included in the performance appraisal system (PAS). The work planning and mid-point review stages provide an opportunity for the staff member and the first reporting officer to agree on how the core value of respect for diversity, together with the other values and competencies, relates to the position and future development needs of the staff member and addresses what is needed and expected in the Organization. All staff members are evaluated on how they have demonstrated the core values and the core and managerial competencies selected for the reporting cycle in addition to any job-related competencies that were included in the work plan. Staff members may also provide comments on their PAS on the quality of supervision received, thereby giving them an opportunity to contribute to the dialogue on values and competencies.

11. In order to ensure fairness and consistency throughout departments and offices, the reporting system for PAS, currently under development, will allow heads of departments and offices to receive evaluations and comments on how the values and competencies, including the respect for diversity and gender, were demonstrated by their staff during the reporting period.

12. By emphasizing performance-based selection, the new staff selection system, is intended to ensure that recruitment and promotion decisions demonstrate the competencies and core values of the Organization as key factors in selection decisions.

B. Issuance of a circular recalling that the core values of the Organization prohibit discrimination and harassment

13. As recommended by the Office of Internal Oversight Services, and as agreed upon with the staff at the twenty-sixth session of the Staff-Management Coordination Committee, the Secretary-General issued an information circular to remind all staff that the Organization's core values required respect for the diversity and the dignity of all staff and that all forms of discrimination and harassment were prohibited (ST/IC/2003/17). The Secretary-General stated that the Organization could not tolerate discrimination and harassment in any form and that any infraction would be taken very seriously. He called upon all managers to take or initiate prompt and appropriate action whenever an infraction occurred including, for example, the provision of clear and specific guidance to the individuals concerned, or other types of managerial action, sensitivity training and awareness raising, and/or disciplinary proceedings. Such action is in line with the Joint Inspection Unit recommendation of a zero tolerance policy on discrimination.

C. Organizational integrity initiative

14. In its comments on the OIOS report, JIU recommended, inter alia, that an assessment be undertaken on why there appeared to be a lack of trust in the current mechanisms and why there was a reluctance to file grievances for fear of retaliation. In 2003, an organizational integrity initiative was launched as one component in the continuing process of United Nations reform. As part of the initiative, a worldwide survey of Secretariat staff was conducted. More than one third responded. Parts of the survey were designed to find out more about the extent of the problems associated with wrongdoing and the fear of retaliation. The survey showed that staff are concerned with the consequences of whistle-blowing or reporting on misconduct, and that there is uncertainty regarding the mechanisms for such reporting. The concerns point to the need to strengthen the means that already exist to address these issues, such as confidential reporting to OIOS or use of the informal channel offered by the Office of the Ombudsman. It was clear that both of the means needed to be better known and made accessible to staff at large. Staff members will be informed about the means available to them for reporting on suspected misconduct. Measures will also be developed to reinforce formal protection for whistle-blowers, while ensuring that they are not used to cloak false accusations. These measures, and their underlying policy considerations will, to a large extent, address the concerns expressed by the Joint Inspection Unit in its comments on the OIOS report.

15. The Secretary-General has called on the Deputy Secretary-General and a Secretariat-wide group of senior colleagues to guide the follow-up process to the survey. In response to that request, department heads have convened town hall meetings so that the survey findings can be reviewed in relation to the specific realities of each department and office. The process will add another dimension to the findings of the survey and will help to identify possible responses to some of the problems identified therein.

D. Monitoring and accountability mechanisms in the recruitment, promotion and placement processes

16. A key feature of the staff selection system, introduced on 1 May 2002, is the role of the central review bodies, which must approve the evaluation criteria prepared by a programme manager before candidates may be evaluated. Evaluation criteria must be objective and related to the functions of the post and must reflect the relevant competencies. Together with the increased use of generic job profiles as the basis for building vacancy announcements, this system ensures that evaluation criteria are not tailor-made to favour a particular candidate, or group of candidates, to the detriment of all others. After candidates have been evaluated, central review bodies review the proposal for filling a vacancy and ensure that applicable procedures have been followed. The central review bodies consider whether:

(a) The proposal is reasoned and objectively justifiable based on the pre-approved evaluation criteria and that it is accompanied by a certification that, in making the proposal, the head of department or office has taken into account the human resources planning objectives of the Organization, especially with regard to geography and gender balance;

(b) The record indicates the existence of a mistake of fact, a mistake of law or procedure, prejudice or improper motive that could have prevented a full and fair consideration of the requisite qualification and experience of the candidates.

17. When, after obtaining the necessary information and clarification, a central review body finds that the evaluation criteria are improperly applied and/or that the applicable procedures have not been followed, the authority otherwise delegated to the head of department or office to select one candidate from the list presented to the central review body is withdrawn and returned to the Secretary-General, who will exercise that authority through the Under-Secretary-General for Management for posts at the P-5 and D-1 level, and through the Assistant Secretary-General for Human Resources Management for posts at all other levels.

18. Galaxy, the electronic tool to support the staff selection system, has built-in control mechanisms, including audit trails, security and data maintenance. OIOS recommendation that the central review bodies maintain records of their work is implemented through the Galaxy system, which requires consistent data and formats at every stage of the process, including review by the central review bodies.

19. Of particular importance in the monitoring of selection decisions and their outcomes is the manner in which departments and offices meet the gender and geography targets set out in their biennial human resources action plans. As recommended by OIOS, the Office of Human Resources Management has introduced several improvements in the format and contents of these plans, which, in the future, will be more closely tailored to the specific situation of the department or office concerned and include more aggressive and measurable targets. The revised format facilitates comparison of actual results to the plan. Departments and offices not previously covered by human resources actions plans will be included in the fourth planning cycle for 2005-2006.

20. With respect to gender parity, the Office of Human Resources Management provides the Secretary-General and senior management the relevant data for monitoring the situation at the highest levels.

21. With respect to nationality, OIOS recommended that the Galaxy system provide sufficient data to allow for review and assessment of the situation with respect to the selection process. Galaxy contains data on the nationality of all applicants, including candidates who meet the requirements of the post, and those who have been selected, as provided by applicants. A reporting feature has been put into effect that allows information recorded in Galaxy to be extracted, analysed and included in reports.

E. Multilingualism

22. There are numerous measures in place to maintain and enhance multilingualism within the Organization. These measures minimize the likelihood of discrimination based on linguistic differences.

23. In section II, paragraph 24, of resolution 57/305, the Assembly reaffirmed the need to respect the equality of each of the two working languages of the Secretariat and also reaffirmed the use of additional working languages in specific duty stations as mandated. The Assembly requested the Secretary-General to ensure that vacancy announcements specified the need for either of the working languages of the

Secretariat, unless the functions of the post required a specific working language. Vacancy announcements posted after the adoption of the resolution comply with this request.

24. JIU recommended that equal opportunity be ensured through simultaneous posting of information on vacancies in all the working languages. The Secretariat is committed to issuing announcements for professional vacancies posted on the Galaxy system in English and French, the official working languages of the Secretariat. In addition, information about Galaxy is provided in all six official languages on the official United Nations web site, as requested in section II, paragraph 23, of the resolution. JIU also recommended that information on vacancies in the Economic Commission for Europe, the Economic Commission for Latin America and the Caribbean and the Economic and Social Commission for Western Asia be provided in their three working languages. This recommendation is under review.

25. In accordance with Assembly resolution 54/64, the Secretary-General has appointed a senior Secretariat official to act as coordinator of questions relating to multilingualism throughout the Secretariat.

26. The Secretary-General submits a report on multilingualism every two years to the Assembly. The most recent report (A/58/363), prepared in response to resolution 56/262, provided information on issues relating to the working languages of the Secretariat and the use of languages in meetings and publications, United Nations web sites, vacancy announcements and recruitments, language programmes, radio and television programmes, at the United Nations Information Centres and for library services.

27. The six official languages of the United Nations are taught through the language and communications programme at Headquarters and language programmes at other duty stations. Enrolment in the language and communications programme has increased 23 per cent between 2002 and 2004, evidence of the value staff members place on language learning. Language proficiency examinations in the six official languages are conducted twice a year at numerous test sites for staff members throughout the system. In 2004, there were 3,470 registrants for these examinations.

F. Conflict resolution and complaint mechanisms

Integrated conflict resolution system

28. In an effort to integrate the various elements to prevent and/or address conflict, including complaints of perceived or actual discrimination, into a coherent system of conflict resolution, the Under-Secretary-General for Management issued an information circular on conflict resolution in the United Nations Secretariat (ST/IC/2004/4). Special emphasis is placed on prevention, communication, training, counselling and informal resolution. The circular provides clear guidance to all staff on the various avenues available to them should they be victims of discrimination.

Ombudsman

29. The Office of the Ombudsman was established in October 2002 by the Secretary-General pursuant to Assembly resolutions 55/258 and 56/253. The

Ombudsman was appointed by the Secretary-General after consultation with the staff. The terms of reference set out in Secretary-General's bulletin ST/SGB/2002/12 indicate that the Office was created to make available the services of an impartial and independent person to address the employment-related problems of staff members.

30. The Ombudsman can provide advice and confidentially facilitate a resolution. The Ombudsman has no decision-making powers but advises the parties and makes suggestions and recommendations on options for resolution. The Ombudsman may also advise employees on other opportunities for addressing allegations of discrimination and other grievances.

Panels on Discrimination and Other Grievances

31. Panels on Discrimination and Other Grievances were established at Headquarters and duty stations away from Headquarters in the late 1970s. Their terms of reference are to investigate grievances submitted by staff members arising from their employment with the Organization. Such grievances include, but are not limited to, allegations of discriminatory treatment in the Secretariat. The Panels seek to resolve the grievances by informal means or, where this proves impossible, by recommending appropriate action by the Secretary-General.

32. When recommending the establishment of the Office of the Ombudsman to the Assembly, the Secretary-General concurrently recommended abolishing the Panels on Discrimination and Other Grievances. The Assembly, in paragraph 20 of its resolution 57/307, requested the Secretary-General, in consultation with the Ombudsman and staff representatives, to submit detailed proposals on the role and work of the Panels on Discrimination and Other Grievances for its consideration.

33. In response to this request, the issue will be addressed in the report of the Secretary-General on the administration of justice.

Revision of procedures to address all forms of discrimination and harassment

34. Some issues of possible or perceived discrimination lend themselves to informal resolution. Depending on the situation, the line supervisors, the Ombudsman, the Staff Counsellor or personnel and executive officers may be able to intervene or offer guidance.

35. Where this is not possible, and an administrative decision is alleged to be tainted by discrimination, staff members have the right to avail themselves of the internal appeals procedures and submit their case for review, ultimately by the United Nations Administrative Tribunal, if the matter cannot be settled otherwise.

36. Acts of intentional and direct discrimination, which by definition would not lend themselves to informal resolution, may be addressed administratively through a reprimand or, where warranted, through disciplinary procedures. The general disciplinary procedures currently applicable are set out in administrative instruction ST/AI/371. Where sexual harassment is involved, the special procedures of administrative instruction ST/AI/379 apply. Both instructions cover disciplinary sanctions up to, and including, summary dismissal, while safeguarding the rights of due process of an accused staff member.

37. In sum, the Charter and the Staff Regulations and Rules of the United Nations, as well as current administrative instructions, already clearly prohibit harassment and discrimination and subject such behaviour to administrative and possible disciplinary action. However, in order to improve the mechanisms that deal with allegations of discrimination and harassment in the Secretariat, the Staff Management Consultation Committee recommended, and the Secretary-General approved, the elaboration of a consolidated policy addressing all forms of harassment, including sexual harassment, and discrimination, with specific complaint procedures that are supported by guidelines. The elements of a policy that would address all forms of discrimination and harassment have now been established and will be submitted for the appropriate staff/management consultations with a view to issuing a revised and consolidated policy.

IV. Conclusion

38. **The Secretary-General is committed to ensuring that all staff uphold the principles of the Charter of the United Nations, which are embodied in the Organization's core values. Discrimination of any type is in direct contradiction to the Charter, and the Staff Regulations and Rules of the United Nations. In accordance with his overall organizational reform, the Secretary-General continues his efforts to build an organizational culture based on shared values and standards of behaviour, reinforced by appropriate monitoring and accountability mechanisms in order to detect and address any departures from agreed standards.**

39. **The Secretary-General looks forward to continued cooperation with the Office of the Ombudsman, the Office of Internal Oversight Services and the Joint Inspection Unit, as well as managers and staff representatives, to use effectively and expand the measures described above to prevent all forms of discrimination in the United Nations.**

40. **The Assembly is invited to take note of the measures taken and the work in progress.**